

**REQUEST FOR
RECONSIDERATION
AFTER FINAL**

Application #	10/553,224
Confirmation #	8964
Filing Date	October 14, 2005
First Inventor	WESSELS
Art Unit	3754
Examiner	Derakshani, Philippe
Docket #	P08774US00/BAS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the final Office Action dated November 27, 2007, Applicant respectfully requests that the Examiner reconsider the rejection to the claims and find the present application in condition for allowance based on the discussion which follows.

Claims 1-6 and 13-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wark (U.S. Patent No. 5,901,887) (hereinafter "Wark") in view of Kasting (U.S. Patent No. 7,121,437) (hereinafter "Kasting") and Dunklee (U.S. Patent No. 3,032,240) (hereinafter "Dunklee") and claims 7-11 and 18-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wark, Kasting and Dunklee, further in view of Magsaysay et al. (UK 2,025,379) (hereinafter "Magsaysay").

Claims 1-6 and 13-17 are not obvious under 35 U.S.C. § 103(a) from Wark in view of Kasting and Dunklee. Kasting is not prior art of the present application which is a National Stage application of PCT/IB2004/050440, filed 14 April 2004, and claiming priority to South African Application 2003/03025, filed 17 April 2003. A certified copy of the South African priority document was received at the International Receiving Office, as evidenced by a copy of the Certificate attached hereto. Accordingly, the present application is entitled to a priority date of 17 April 2003. Kasting has a filing date of

3 September 2003, which is after the 17 April 2003 priority date of the present application. Accordingly, Kasting is not prior art of the present application. Accordingly, it is inappropriate to cite Kasting in a 35 U.S.C. § 103(a) rejection of the present application. Therefore, claims 1-11 and 13-22 are not obvious under 35 U.S.C. § 103(a) from Wark in view of Kasting, Dunklee and Magsaysay, as Kasting is not prior art of the present application, and the remaining references fail to teach all claim elements.

Furthermore, Applicant respectfully submits that all pending claims are clear of the prior art as Applicant fully discussed in the 10 August 2007 Remarks. In regard to the statement in the final Office Action, in response to the Remarks stating, "Applicant's arguments with respect to claims 1-11 and 13-22 are considered moot in view of the new grounds of rejection," in view of Kasting not being prior art, Applicant respectfully submits that Applicant's prior arguments are not moot and respectfully requests that the Examiner fully reconsider all previous arguments made in the 10 August 2007 Amendment. Moreover, in accordance with M.P.E.P. § 707.07(f), Applicant respectfully requests that the Examiner address all arguments made in the 10 August 2007 Amendment upon which Applicant traverses the rejections.

Specifically with regard to Wark, Applicant reiterates that contrary to the prior rejection, it would not have been obvious to modify the coupling of the Wark body to arrive at the claimed invention, which comprises a locating member being adapted to be joined to a neck of a container containing a paste and a dispenser body enclosing the locating member and being uni-directionally rotatable joined to the locating member. Wark's adapter (cap 12 and adapter 14) is used for a fuel/gasoline can 10 so that a dispenser body 18 of an ordinary garden hose 16 can be joined to the container 10

(Wark, column 2, line 66-column 3, line 15). Since it is well known that gasoline gives off volatile, dangerous and highly flammable fumes, it is extremely irresponsible for a person to not close and properly seal a fuel can when not in use. Accordingly, one of ordinary skill in the art would not be led to modifying the Wark adapter, as alleged, as such a substitution would lead to a fuel can 10 being permanently open and allowing gasoline fumes to escape from the can where any stray spark could ignite the vapors causing serious damage to property and injury to people.

Moreover, contrary to the 35 U.S.C. § 103(a) rejection to the claims, there fails to be any reasonably apparent reason why one of ordinary skill in the art would be led to modify Wark, in view of the prior art, to arrive at the claimed invention. In order for references to be combined in an obviousness-type rejection under 35 U.S.C. § 103(a), there must be “a reason that would have prompted a person of ordinary skill in the relevant art to combine the [prior art] elements” in a manner claimed. *KSR Int'l. Co. v. Teleflex, Inc.*, 550 U.S. ____ (2007), Slip Opinion at page 14. Applicant respectfully submits that in view of the complete disclosures of the cited prior art, as well as the Remarks of the 10 August 2007 Amendment, there fails to be any reason which would lead one of ordinary skill in the art to modify the cited prior art of record to make the claimed invention obvious.

Further, specifically with regard to the rejection of claims 7-11 and 18-22 as allegedly being obvious from Wark in view of Kasting and Dunklee, and further in view of Magsaysay, there fails to be any disclosure within Magsaysay and Wark which would lead one of ordinary skill in the art to the present invention. The Magsaysay dispensing

head is directed to a collapsible tube container which in no way is contemplated by Wark.

In view of the foregoing and the Remarks of the 10 August 2007 Amendment, Applicant respectfully submits that the cited prior art fails to make the claimed invention obvious under 35 U.S.C. § 103(a). Accordingly, Applicant respectfully submits that the present application is in condition for allowance.

Respectfully submitted,

Date: January 7, 2008


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Certificate

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the documents annexed hereto are true copies of:

Application forms P.1 and P.2, provisional specification and drawings of
✓
South African Patent Application No. 2003/3025 as originally filed in the
✓
Republic of South Africa on 17 April 2003 in the name of JACOBUS ADRIAAN
WESSELS for an invention entitled: "CLOSURE ARRANGEMENT".

Getekken te

PRETORIA

Signed at

in die Republiek van Suid-Afrika, hierdie

in the Republic of South Africa, this

10th

dag van

May 2004

day of

A circular stamp containing a signature, with the text "Registrar of Patents" written below it.